

**IN THE CLAIMS:**

Please amend claims 1, 3, 5, 6, 8 and 12 as follows.

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1. (Amended) In a system having a client computer system and a service provider computer system programmed with a service implementation, an apparatus comprising:

a service level agreement manager disposed between the client computer system and the service implementation, the service level agreement manager comprising:

an admission controller configured to control admission of the client computer system to the service implementation using a service level agreement;

a performance measurement module in communication with the admission controller and configured to:

measure performance of the service implementation, and

modify an estimated capacity of the service provider based on the measured performance; and

a specification module in communication with the admission controller and with the performance measurement module.

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3. (Amended) A method for service level formation, comprising:

providing a service level agreement manager, the service level agreement manager having an admission controller, a specification module and a performance measurement module;

establishing communication between a client computer system and the service level agreement manager;

invoking the specification module of the service level agreement manager;

obtaining performance information from the performance measurement module;

obtaining usage information from the client;  
comparing the performance information and the usage information to determine if there  
exists a basis for forming a service level agreement;  
02 measuring, by the performance measurement module, actual performance associated with  
at least one service level agreement; and  
modifying estimated capacity, by the service level agreement manager, based on the  
measured actual performance.

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03 sub b17 5. (Amended) A method for managing system performance, comprising:  
providing a service level agreement manager;  
forming a service level agreement between a client organization and a service  
organization;  
receiving a request from the client organization to the service level agreement manager;  
with the service level agreement manager,  
determining if the request is within the scope of the service level agreement;  
if the request is within the scope of the service level agreement, providing the  
request to a performance measurement module and to the service organization;  
obtaining a result from the service organization in response to the request;  
taking at least one performance measurement associated with performance  
response of the service organization to the request; and  
checking the at least one performance measurement taken against the service level  
agreement.

23 6. (Amended) The method of Claim 5, further comprising:  
recording the at least one performance measurement; and  
modifying an estimated capacity associated with the service organization based on the at  
least one performance measurement.

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2 8. (Amended) A network, comprising:  
a plurality of service level managers;  
at least one invocation infrastructure for communication between a plurality of client  
processes and the plurality of service level managers; and  
each service level manager of the service level managers in communication with a  
- respective service implementation and configured to:  
receive a request from at least one of the client processes,  
determine whether to accept the request based on an estimated capacity of a  
service provider,  
accept the request when the estimated capacity is adequate,  
measure performance associated with fulfilling the request, and  
modify the estimated capacity based on the measured performance.

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25 12. A network, comprising:  
a first plurality of service level managers;  
at least one invocation infrastructure for communication between said first plurality of  
service level managers and a client process;

each service level manager of said first plurality of service level managers in communication with a respective service implementation of a first plurality of service implementations;

each said service implementation of said first plurality of service implementations in communication with at least one service level manager of a second plurality of service level managers; and

each service level manager of said second plurality of service level managers in communication with a respective service implementation of a second plurality of service level implementations, wherein at least one of the first plurality and second plurality of service level managers is configured to:

- enter into a service level agreement with the client process,
- receive a request from the client process,
- determine whether to accept the request based on an estimated capacity of a service provider,
- accept the request when the estimated capacity is adequate,
- measure performance associated with fulfilling the request, and
- modify the estimated capacity based on the measured performance.

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Please add new claims 16 and 17 as follows.

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16. (NEW) The network of claim 8, wherein each of the plurality of client processes is assigned a number of tokens and when determining whether to accept the request from a first client process to a first service level manager, the first service level manager is further configured to:

determine whether to accept the request based on the number of tokens associated with the first client process.

17. (NEW) The network of claim 16, wherein when the request from the first client process is accepted, the first service level manager is further configured to:  
deduct a number of tokens from the first client process.

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